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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>January 9, 2007</u></p> <p>Signature <u><i>Kathleen Sipos</i></u></p> <p>Typed or printed name <u>Kathleen Sipos</u></p>		Application Number	Filed
		<u>09/873,976</u>	<u>June 1, 2001</u>
		First Named Inventor	
		<u>Anthony J. COOPER et al.</u>	
		Art Unit	Examiner
		<u>2822</u>	<u>Thanh Y. TRAN</u>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>58,051</u></p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
Attorney Docket No. 508-039.7-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

Anthony J. COOPER et al. : Confirmation No.: **3295**
Application Serial No.: **09/873,976** : Group/Art Unit: **2822**
Filing Date: **June 1, 2001** : Examiner: **Thanh Y. TRAN**
Title: ***Visual Display***

Mail Stop AF
Commissioner For Patents
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Alexandria, VA 22313-1450

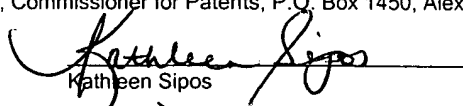
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This Request for Review is filed in response to the final Office Action of August 11, 2006.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:
Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Kathleen Sipos

Dated: January 9, 2007

REMARKS

Claims 53-59 were examined by the Office, and all claims are rejected. Applicant respectfully requests review of the final rejections to the claims in light of the following discussion. The Office has committed clear error by failing to show that all of the limitations of the claims are taught or suggested by the cited references. See MPEP § 2143. Furthermore, the Office has committed clear error by asserting that the cited references disclose limitations not claimed in the claims, and offering no reasoning as to why the cited references disclose the limitations as claimed.

This Request for Review is submitted along with a Notice of Appeal.

Claim Rejections Under § 103

In section 2, on page 2 of the final Office Action claims 53 and 57-59 are rejected under 35 U.S.C. § 103(a) as unpatentable over Yoshimura et al. (U.S. Patent No. 6,845,184) in view of Desai et al. (U.S. Patent No. 6,266,249). Claim 53 recites grooves provided in the front surface of a substrate with separate conductive lines, where each conductive line completely fills a groove of said grooves. On page 5 of the final Office Action, the Office responds to applicant's argument that Yoshimura does not disclose or suggest conductive lines that completely fill the grooves, by stating that Yoshimura clearly discloses conductive lines (conductive layers 458) are formed "completely within the grooves (456)." The Office has committed clear error by asserting that Yoshimura discloses limitations recited in a previous version of claim 53, and by not addressing the most recent amendment to claim 53. Claim 53 clearly recites that each conductive line completely fills a groove of the grooves, which is distinct from a conductive line that is "formed entirely within" a groove. Therefore, the Office has committed clear error by failing to show that all of the limitations recited in claim 53 are disclosed or suggested by the cited references, either alone or in combination.

The Office does assert on page 2 of the Office Action that conductive layers 458, i.e. mirror structures (see column 46, lines 3-4), of Yoshimura correspond to the separate conductive lines recited in claim 53, and that each mirror structure 458 completely fills a groove 456, citing Figure 51-2 of Yoshimura. However, even if the mirror structures 458 correspond to the conductive lines, which applicant does not admit, Figure 51-2 clearly shows that the mirror structures 458 do not completely fill the groove, as required by claim 53. Instead, the mirror structures 458 are formed on the groove sidewall rather than throughout the entire groove so as to completely fill the groove, as recited in claim 53.

In addition, the mirror structures 458 shown in Figure 51-2 (also Fig. 50-2) are layers of reflective metal or reflective material that are deposited on the bevelled edges of the outward laser cuts 456. See Yoshimura column 44, lines 40-42. The mirror structures are used to reflect light into and out of the waveguide. Waveguides are used to optically (i.e. by light) convey signals to opto-electronic devices that convert the light into electrical representations of the signals. See Yoshimura column 5, lines 40-45. Therefore, laser cuts 456 are made at the ends of the waveguides to form bevelled edges for the mirror structures 458 of the vertical couplers, in order to reflect light travelling into or out of the waveguides. See Yoshimura column 44, lines 30-34. Therefore, the mirror structures 458 cannot completely fill the laser cuts 456, as recited in claim 53, because if the mirror structures 458 completely filled the laser cuts 456 it would not be possible for the mirror structures to reflect light into or out of the waveguides, such as shown in Figure 71 of Yoshimura.

Furthermore, Yoshimura is directed to forming mirror elements on the bevels of the inward cuts as shown in Figure 51-2. It is respectfully submitted that Yoshimura does not disclose or suggest that this reflective metal forms a conductive line for electrical connection to the electrical component as required by claim 53. The Office responds on page 5 of the final Office Action by stating that the limitation "for electrical connection to the electrical component" recited in claim 53 is intended use language.

However, applicant respectfully submits that this limitation is structural in that the conductive lines are required to be able to electrically connect to another electrical component. In *Ex parte Masham*, it was stated that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the *structural* limitations of that claimed apparatus. 2 USPQ2d 1647, 1648 (Bd. Pat. App. & Int. 1987) (emphasis in original). It is only when a prior art reference meets all of the structural limitations of a claim, that any intended use recited in the claim of the claimed apparatus will provide no patentable weight. In contrast, "for electrical connection" is a structural limitation of claim 53, because the conductive lines are required to be able to form electrical connections, and the reflective metal discussed in Yoshimura does not meet this structural limitation.

Desai does not make up for these deficiencies in Yoshimura and, as a result, it is respectfully submitted that claim 53 is distinguished over the cited art. Desai is cited in the Official Action simply with respect to conductive vias. Therefore, the Office has failed to show that the cited references, alone or in combination, disclose or suggest all of the limitations recited in claim 53.

Claims 57-59 all depend from claim 53 and are therefore believed to be further distinguished over the cited art at least in view of their dependencies.

In section 4, on page 3 of the Office Action claims 54-56 are rejected under 35 U.S.C. § 103(a) as unpatentable over Yoshimura in view of Desai, and in further view of Berkely et al. (U.S. Patent No. 6,031,729). Claims 54-56 all depend from claim 53 and are therefore believed to be further distinguished over the cited art at least in view of their dependencies.

Conclusion

It is therefore respectfully submitted that the Office committed clear error in rejected the claims of the present application, and therefore the present application is in

condition for allowance and such action is earnestly solicited. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted.

Dated: 9 January 2007

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